

REMARKS

Claims 1-4 are pending. By this amendment, claim 1 has been cancelled.

Claims 1-4 were rejected under 35 USC 102(b) as being anticipated by Izumi, U.S. Patent 5,610,895. This rejection is respectfully traversed.

Claim 2 recites “a first detecting system for generally detecting optical signals from marks or pits which are arranged at a pitch not less than $\lambda/2NA$ ” and “a second detecting system for generally detecting optical signals from marks or pits which are arranged at a pitch less than $\lambda/2NA$.” As disclosed in the specification, the first detecting system detects high-frequency optical signals and the second detecting system detects low-frequency optical signals (see paragraph [0031]).

The Examiner asserts that element 39 (also citing col. 6, line 38 to col. 7, line 20) of Izumi corresponds to the claimed first detecting system and element 42 corresponds to the claimed second detecting system (also citing col. 6, line 38 to col. 7, line 20). Applicants respectfully disagree.

Izumi clearly states that element 39 is part of a focal error and tracking system (see col. 1, lines 46-48) and element 42 is part of a magneto-optic reproduced signal detection system (see col. 1, lines 51-55). Thus, elements 39 and 42 do not function in a manner similar to the first and second detecting systems, respectively, of claim 2. Specifically, element 39 does not detect optical signals from the marks or pits which are arranged at a pitch not less than $\lambda/2NA$ and element 42 does not detect optical signals from marks or pits which are arranged at a pitch less than $\lambda/2NA$. Further, element 39 does not detect high-frequency optical signals and element 42 does not detect low-frequency optical signals. Thus, the features of claim 2 are not taught or suggested by Izumi.

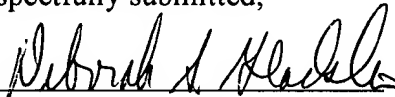
Claim 3 is allowable at least due to its dependency. Claim 4 recites the above-discussed features of claim 2, and is therefore allowable for the foregoing reasons. Applicants respectfully request that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772026700.

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Respectfully submitted,

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